

Minutes of the Veneta City Council

July 10, 2006

Council

Present: Mayor T. J. Brooker, Darrell Carman, Thomas Cotter, Marion Esty, and Sharon Hobart-Hardin

Others:

Ric Ingham, City Administrator; Sheryl Hackett, City Recorder; Margaret Boutell, Community Services Director; Brian Issa, Planner; Kyle Schauer, Public Works Superintendent; Carolyn Connelly, City Attorney; Jerry Elliott, City Engineer; Mona Linstromberg; Craig Harbison; Layne Corns; Kathy Kirsh; Terry McDonald; Sue Hallett; Norman Welch; Devon Trottier; Perry Burdon; Wayne Hunter; Lee Taylor-Loewe; Joan Mariner; Charles Standiford; and Rob Lafferty, West Lane News

1. PUBLIC COMMENT

Devon Trottier; 24733 Dogwood Lane; Veneta, OR

Ms. Trottier said a year ago she began asking about the bulldozing work taking place on the property behind her. She said she was told that the City Administrator would respond to her inquiries but she hasn't heard anything yet. She said she wants to know if the City's development standards regarding protection of endangered species apply to the clearing and grading of property prior to development.

Mona Linstromberg; 87140 Territorial Road; Veneta, OR

Ms. Linstromberg said she listened to the staff comments during the Pine Street hearing and said she believes it is a "cop out" to give deference to the City Engineer about whether the proposed crossing will have an impact on the wetlands. She said she has been working through the Council minutes from 2002 through 2004 and reading about Jack Kelley Drive, Well 10, Eighth Street, and the detention ponds. She said all of those projects were approved by the City engineer who does the review of the engineering work for developers. She said she finds it amazing given his track record that the staff accepts what he says for being right. She said she has some doubts about that and at some point she feels Mr. Elliott's work should be reviewed.

Perry Burdon; 24733 Dogwood Lane; Veneta, OR

Mr. Burdon said he still questions the process the City goes through in its planning. He said the City doesn't have to do things just because the State says so. He said Veneta has no aesthetics or real design in its planning. He said the planning since 1980 has been detrimental to the people who live here which is a violation of the oaths of office.

He said the agenda is arranged more like a business meeting than a Council meeting. He said public comment time is limited and there is no back and forth discussion with the public and Council. He said it doesn't work for the people, only for corporate interests. He said things on the agenda and staff reports are presented as if they are already adopted.

Norman Welch 25181 Cherry Lane; Veneta, OR

Mr. Welch said he has been told the City only has two producing wells and that well 10 is a backup in the event of a problem. He asked if Well 10 will be connected directly

into the water system without going through the treatment process. He said he has heard that Well 11 will be located within 500 feet of Well 10 and he wanted to know if it would be in the same aquifer. He asked if the City has enough water to serve the 500 to 600 homes being planned.

In response, Mayor Brooker said when first connected Well 10 will be used only as a backup to provide redundancy; however, by the end of the year it should be fully operational with a treatment facility. Mayor Brooker said the City does have a water master plan. If the water supply is found to be inadequate, the Council can consider a building moratoria. He said that is not being discussed at this time.

Wayne Hunter; 25087 Cheney Drive; Veneta, OR

Mr. Hunter said he has some comments about the City's water supply. Mayor Brooker said the City's water supply is scheduled for public comment later in the meeting and he asked the public to hold further comments on that subject until that time.

2. CONSENT AGENDA

MOTION: Thomas Cotter made a motion to approve the consent agenda as presented. Sharon Hobart-Hardin seconded the motion.

Vote: Marion Esty, aye; Thomas Cotter, aye; Mayor Brooker, aye; Darrell Carman, aye; and Sharon Hobart-Hardin, aye.

The consent agenda as approved included minutes for June 12, 2006 and bills paid and payable for June/July 2006.

3. PUBLIC HEARING - Proposed Amendment to the Veneta Land Development Ordinance 461, Article 4, Section 4.11 and Zoning Map for the Greenway Overlay Subzone (A-1-06)

- a. Open Hearing: Mayor Brooker opened the public hearing at 7:12 p.m.
- b. Declaration of Conflict of Interest or Ex-Parte Contacts: None
- c. Staff Report (Brian Issa)

Brian said the Council received the full record on the proposed Greenway subzone amendments, including all written testimony, minutes of the Planning Commission meetings which include oral testimony, and all staff reports that address specific issues from staff, the Planning Commission and the public. He presented copies of the proposed amendments in legislative format and a power point presentation to help explain the proposed amendments. The amendments include changes to the Comprehensive Plan and Zoning maps, changes to the text of the Greenway subzone, changes to the Conditional Use Permit criteria governing hardships to build in the Greenway subzone, a change to the park land dedication section of the code with respect to the Greenway, a change to defining reductions in lot sizes for lots which contain Greenway areas, and a change to the text of the Comprehensive Plan to make it consistent with the Land Development Ordinance. The Council also received a proposed final order which includes

findings of fact in support of the proposed amendments and compliance with statewide planning goals.

In response to a question, Brian said the Greenway areas will be the same on both the Comprehensive Plan map and the Zoning map. The base zones will not change.

Brian explained some of the reasons for the proposed changes. Currently the Greenway subzone does not protect the wetlands and water quality by providing an adequate buffer. In some cases, development goes right up to the edge of wetlands which are outside the current Greenway subzone. The Greenway was originally drawn based on the City's local wetland inventory and it does not move or expand as new wetlands are delineated.

The proposed amendments require a 50' buffer from the boundary of a wetland, regardless of the quality of the wetlands or where they are located. Determining the size of the buffer was the most difficult issue for the Planning Commission.

Brian reviewed the history of the Greenway locations. On the 1977 Comprehensive Plan map the Greenway overlaid the creek and Railroad tracks. In 1982 the Greenway was expanded to take in more channels. During Periodic Review in 2000 the Greenway was added to the west boundary of the City.

The proposed amendments would match the Greenway to all significant wetlands and add a 50' buffer. The Greenway would also remain along the Railroad corridor and pedestrian/bicycle corridors. The Planning Commission has recommended removing the Greenway from the west boundary of the City and from the church property on E. Broadway. Overall the Greenway area would increase by 14.4%, mostly from new wetlands delineated since the Local Wetland Inventory.

Brian pointed out examples of existing small lots where the proposed Greenway would cover half the lot. Language for exemptions to the 50' buffer for existing small lots has been included in the proposed amendments.

In response to a question, Brian said it is still not clear whether protection of wetlands falls under the Measure 37 public health and safety exemptions.

d. Public Testimony

(1) Proponents

Mona Linstromberg; 87140 Territorial Road; Veneta, OR

Ms. Linstromberg said she supports the Greenway proposal; however, there are still areas she feels need clarification. For example, the proposal reads 70% or 4600 square feet when the zone calls for minimum 6000 square foot lots; however, 70% would be 4200 square feet, not 4600 square feet. She also said the word "practicable" is used at least four times in the proposed code and she feels that word is subjective. She said LUBA gives deference to local jurisdictions on interpretation and if staff errors in favor of "practicable" alternatives it seems there is a lot of

latitude. She said she would have great concerns with panhandle and wetland variances. She said it would be nice to have a definition of that term. She said she feels a minimum 50' setback is essential.

Mayor Brooker said he agrees there are some subjective words and it would be nice to have those words defined.

Devon Trottier; 24733 Dogwood Lane; Veneta, OR

Ms. Trottier also spoke as a proponent; however, she said she has a problem not finding an explanation as to why the Planning Commission recommended removing the two areas of wetlands. She said she does not think they should be removed, especially the one along the west boundary of the City. She also said the proposal to allow smaller lots should read "may" be allowed and not "shall" be allowed. She said she also felt the term "waterways" should be changed to "water resources". She said she does not understand the proposed change in the Comprehensive Plan from "undeveloped" to "largely undeveloped".

In response, Brian pointed out that the proposal to change the wording to "largely undeveloped" is to allow the City to construct bike paths in the Greenway.

Ms. Trottier said she didn't agree with a reduction in the minimum 50' buffer, even for exceptions or bike paths. She said the science says a 15' buffer will not protect the wetlands. She asked if all the wetlands in the City have been delineated and if not, what provisions will there be to protect wetlands that are unknown at this time.

In response, Thomas Cotter said the proposed amendments state that when new wetlands are delineated, the Greenway moves to the wetlands.

Brian said if an area near wetlands is being proposed for development, the applicant is required to have the property delineated. He said most developers do that anyway.

Ms. Trottier also wanted to know why an amendment to the enforcement section of the code is being proposed to delete the requirement that requires twice the area to be restored if a violation occurs. She also wanted to know why it was changed from "restore" to "re-vegetate". She said restoration is much more encompassing.

Ms. Trottier said the City has a water protection plan but if variances continue to be granted to fill wetlands, the water will not be protected. She also pointed out the word "trail" is misspelled.

Ms. Trottier questioned why staff did not recommend a 75' buffer instead of a 50' buffer, based on the science of protecting wetlands.

Sue Hallett; 25181 E. Broadway; Veneta, OR

Sue Hallett said she represents St. Catherine's Church and is in favor of the proposed Greenway amendments. She said she hopes the City Council will adopt the recommendation by the Planning Commission to remove the Greenway from the church property. She said the permitted uses in Greenway subzones are parkways, open spaces, and buffers. She said the church property is located adjacent to the Railroad track which isn't a safe area for a park. The church property is also in close proximity to the existing City park at the end of E. Broadway. She said the church is not asking to remove the portion of the Greenway which provides a buffer to the Railroad.

Terry McDonald, (St. Vincent DePaul); 3063 Whitbeck Blvd; Eugene, OR

Mr. McDonald said he represents St. Vincent DePaul which is currently in the process of developing property on Territorial Road for affordable housing. The development will be a combination of single family residences and multi-family units. He said their application has already been submitted so it does not fall under the proposed amendments; however, if it had submitted after the amendments are adopted 1/3 of the site could not be developed because of an isolated pocket of wetlands. He suggested adopting some exemptions for low value wetlands that are surrounded by other development. He also suggested allowing on-site wetlands to be incorporated into on-site storm water facilities in a way that would enhance the development and accepting portions of the Greenway areas as part of the park dedication.

Perry Burdon; 24733 Dogwood Lane; Veneta, OR

Mr. Burdon again spoke against the planning process in general. He said no one is talking about placing a limit on population. He said Greenways should not be just for protecting wetlands, but they should be for aesthetics and used to keep mature trees for people and animals. He said a 50' buffer is a joke. He asked who is going to regulate what people put on their lawns. He said pesticides are a problem. He said there should be no exceptions given. He said the regulations may keep the City out of trouble with the state but they will not help the health of the current City residents. He said the City needs to hire a landscape architect to design some aesthetics for the City. He asked the Council to please think about the people who are already living in Veneta.

e. Questions from the Veneta City Council

In response to a question from Darrell Carman as to the original purpose of the Greenway along the west boundary of the city and on the church property on E. Broadway, Brian said he looked at the historical maps of the City and the church property was identified as a recreation area as early as 1977. The text of the code does not provide any support or clarification and there are no wetlands on the property. He said the Greenway along the west boundary was added during the Comprehensive Land Use Evaluation process as part of Periodic Review in 2000.

The only evidence to support it was found in minutes of meetings for March 10, 1999 and June 7, 1999 which talked about a green area long the ridge and providing a buffer. He said it isn't clear what the Greenway was intended to buffer because the City abuts a forest. Brian said the property owner who has requested removal of the Greenway has pointed out that other City boundaries abutting the same type of land do not have buffers. If the Council chooses to leave the Greenway along the west boundary of the City, they need to make findings for the record that justify why those properties are being treated differently than others in similar zones.

In response to a question from Darrell Carman about whether being able to build one house on a 20-acre parcel of land is considered alleviating the hardship, Brian said the term hardship has substantial case law to support that one house would be considered an economically viable use.

In response to a question, Sue Hallett said the early City leaders may have recognized their property as recreational because of the annual Fern Ridge Barbeque which has been held on the site for 50 years. She said the barbeque is a private recreational use, not a public use.

Mayor Brooker said he would like to see the minimum buffer increased from 15' to 25', especially for bike paths. In response, Brian said the Planning Commission had some good discussions about the minimum setbacks which would not just apply to bike paths but to small lots that are already developed. If a larger buffer were required, it would preclude those property owners from building decks, accessory buildings, or additions to their homes. Whatever buffer is adopted needs to apply to both private and public projects. He said Conditional Use Permits are difficult to get because of the hardship criteria.

Mayor Brooker asked staff to answer the question Devon Trottier had about restoration vs re-vegetation and why the ration of the area to be re-vegetated was reduced from the two to one. Margaret said restoration could include replanting vegetation such as blackberries that are invasive. She explained that sometimes there is not enough ground for the two to one ratio. Staff chose to require something that can be more easily monitored. If the Division of State Lands and Corp. are involved because of wetlands, they will do the monitoring.

Sharon Hobart-Hardin commended staff for the proposed amendments. She said she feels there is flexibility which is needed at this time.

- f Close of Public Hearing: Mayor Brooker closed the public hearing at 8:45 p.m.
- g. Deliberation and Decision
Darrell Carman said staff did a tremendous job of preparing the amendments and making sure the Greenway does what it was intended to do and that it protects wetlands. He said he is in favor of approving the amendments.

MOTION: Darrell Carman made a motion to approve the proposed Greenway amendments with the elimination of the Greenway along the west boundary of the City and on the church property on E. Broadway. Sharon Hobart-Hardin seconded the motion.

Discussion: Mayor Brooker asked for clarification on whether the motion included all six recommendations by staff. He said in the future the Council needs to have some discussions and make some policy decisions about the minimum buffer. Staff advised the Council that if the buffer is not amended at this time, future changes will require going through the entire process again. The Council agreed that it would be better to take separate actions on each of the staff's recommended proposals for ordinance amendments.

Darrell Carman withdrew his motion and Sharon Hobart-Hardin withdrew her second.

Proposal #1: Changes to the land Development Ordinance 461, Article 4, Section 4.11 (proposed Greenway Subzone language).

By consensus, the Council agreed they would like to postpone taking action on the recommended proposal #1 until they've had further discussion on the minimum buffers.

Proposal #2 Changes to Land Development Ordinance 461, Article 4, Sections 4.02 & 4.03 (reduction of lot sizes in conjunction with dedication of Open Space).

Brian Issa recommended a minor change to staff's proposal by replacing the word "are" with the words "may be" as suggested.

MOTION: Thomas Cotter made a motion to approve the recommended proposal #2 with a minor amendment to replace the word "are" with the words "may be". Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Proposal #3: Changes to the Veneta Land Development Ordinance 461, Article 8, Section 8.20 regarding Conditional Uses and hardships.

MOTION: Sharon Hobart-Hardin made a motion to approve the recommended proposal #3 as presented. Darrell Carman seconded the motion which passed with a vote of 5-0.

Proposal #4: Changes to the Veneta Comprehensive Plan 416, Section 4, Subsection L. Amending the purpose of the Greenway Overlay Plan Designation.

MOTION: Sharon Hobart-Hardin made a motion to approve the recommended proposal #4 as presented. Thomas Cotter seconded the motion which passed with a vote of 5-0.

Proposal #5: Adoption of amendments to the Veneta Zoning and Comprehensive Plan Maps for the Greenway Subzone overlay.

MOTION: Darrell Carman made a motion to approve the amendments to the Veneta Zoning and Comprehensive Plan Maps as recommended by the Planning Commission, deleting the Greenway along the City's western boundary and deleting the subzone from a portion of the St. Catherine Church property on E. Broadway. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

Proposal #6: Changes to the Veneta Land Development Ordinance 461, Article 5, Section 5.26 removing language that allows Greenway/Wetlands to count toward park dedication requirements.

By consensus, the Council agreed they would like to postpone taking action on the recommended proposal #6 until they've had further discussion

Proposal #7: Approval of proposed findings of fact supporting the proposed amendments.

No action was taken on the recommended proposal #7. Mayor Brooker asked staff to prepare revised findings to be considered at the next Council meeting along with proposals #1 and #6.

4. DEPARTMENT REPORTS

a. FROM MAYOR/COUNCILORS

Ric Ingham advised the Council that the Lane County Sheriff's Activity Report for the Oregon Country Fair has been distributed to their mailboxes. The report shows deputies were very active with DUII and Seat Belt violations.

b. COUNCIL/COMMITTEE LIAISONS

Marion Esty (Region 2050) will not meet again until October 30, 2006. At the last meeting there was a lot of discussion about housing needs.

5. STAFF REPORTS

a. COMMUNITY SERVICES DIRECTOR

(1) Public Works Monthly Activity Report for June 2006

Kyle Schauer presented his monthly activity report. The Council did not meet the last week in May; therefore, he included activity for both May and June. He said well 9 production has been increased from 500 g.p.m. to 545 g.p.m. due to the increased seasonal demand. Replacement of the irrigation system in the poplar plantation has been completed. The E. Hunter overlay work has been contracted and should begin tomorrow. In response to a question, he said all three water filters are now running and are producing very good quality water.

Kyle Schauer and Mayor Brooker both complimented staff for the success of the Zumwalt campground. Mayor Brooker said he feels it is important for the City to continue operating the campground.

(2) Parks SDC Methodology and Capital Improvement Plan (CIP) - Public Comments

Margaret explained that the City Council recently adopted a park dedication ordinance for land acquisition. The SDC methodology and CIP are for park development only. The sizes of the proposed parks to be developed are based on the City's Park and Recreation Master Plan. Development includes landscaping, drainage, lights, sports fields, trails, indoor facilities, and other amenities. The list of improvements was developed in response to a recent park survey.

Margaret said the proposal will be available for a 60-day public review period. The City Council will hold a public hearing in August before adopting the methodology and CIP. At the present time, the swimming pool is the only reimbursement fee listed; however, the Planning Commission recommended increasing the proposed park SDC by including a reimbursement fee for facilities that have already been constructed and can serve more than just the current population, such as the skate park. The SDC is based on the planned eventual build-out of the City's Urban Growth Boundary. She said the Planning Commission also had some discussion about having a sliding scale SDC with low cost housing paying less. She said she does not know if that can be done; however, the Council can direct staff to investigate that possibility.

Public Comments

Mona Linstromberg; 87140 Territorial Road; Veneta, OR

Ms. Linstromberg said she would encourage increasing the reimbursement portion of the SDC to include things like the skate park and community center. She said she would also encourage the Council to look into a graduated fee. She said basing it on the square footage of the home would make it more equitable. She said she also had a question about how staff determined which population data to use.

In response to the question about population, Margaret said the Lane County Coordinated Population was used. She said the Region 2050 will not be adopted until January.

Perry Burdon; 24733 Dogwood Lane; Veneta, OR

Mr. Burdon said the City can take property and no one has thought about that.

Joan Mariner; 25712 Cochran Court; Veneta, OR

Joan Mariner said she supports the proposed SDC for parks. She said small lots do not provide enough space for kids to play and if the City does not expand its parks the quality of life in Veneta will decline. She said people will hardly notice the fee when it's included in a 30-year mortgage but, they will notice if the City doesn't have an adequate park system. She said she knows people in the community care about parks and that she is speaking on behalf of a lot of them. She suggested a sliding fee based on the value of the home.

Marion Esty said she would be interested in knowing if the SDC can be based on the value of a home rather than a flat fee.

In response, City Attorney Carrie Connelly said the City's current SDC ordinance does not give the Council authority for a sliding scale and there is no statutory authority for it. She said it doesn't mean they can't do it, it just means there is greater risk for challenge. She said they could possibly consider criteria giving exceptions for hardships. She said she is not aware of any case law on it.

Sharon Hobart-Hardin said the Park Board is very concerned with how far behind the City already is in making park improvements. She said a sliding scale would not give the City the ability to know how much revenue they have to work with because it would fluctuate.

Darrell Carman said another issue that should be considered is park usage. He said the impact on the parks has nothing to do with the value of a home.

Mayor Brooker said he felt it would be easier for developers to have a fixed amount. He said he would like more discussion on what facilities are reimbursable.

Carrie Connelly said not all existing facilities are reimbursable. She said there is no basis if the facility is already paid off. The swimming pool was based on replacement costs.

The Council discussed the possibility of having a sliding scale and decided they needed more research before making a decision.

- (3) Increased Water Rates - Public Comments
 - (4) Adoption of Water Conservation Measures - Public Comments
- Mayor Brooker asked the public wishing to comment on both water issues to do so at the same time.

Margaret Boutell explained that the City is proposing to increase the base water charge by \$1.00 per month for all users. The increase will help the City keep up with water production costs and will help support the cost of conversion to the auto read system. A notice was sent to all residents about the proposed water conservation regulations. She said the City is trying to be a good steward of its water and by practicing water conservation the City may need fewer new wells. She said the proposal is the first step of implementing the City's adopted Water Conservation and Management Plan. The City is asking for public comment before taking any action.

Devon Trottier; 24733 Dogwood Lane; Veneta, OR

Devon Trottier said she objects to the agenda because the resolution is worded as if it is already going to be adopted. She said she objects to the proposal because if everyone uses water at the same time the pressure will be reduced. She said in December 2005 the City Engineer said the City had enough water for 5,000 people for 20 years and it would be five years before the City would need to look at increasing its water and sewer capacity. She said they were also told a new well would be on line by August of this year. Now they are being told there isn't enough water for outdoor watering, the flow from the new well has not materialized, and additional water rights for the City may not be available. She said she has heard that the aquifer may be overdrawn without a way to recharge it.

Ms. Trottier went on to say that when information is contradictory she questions whether the Council and Planning Commission are capable of expressing the truth. She said when she first moved to Veneta 25 years ago the City understood that water needed to be available before growth and development could take place. She said it now appears that neither the Council nor Commission understands that water limits the extent of development and that wetland protection is crucial to maintaining and preserving the water supply. She said she objects to being told that her garden must die for the profit of developers and that the cost of providing water for new developments will come from existing residents. She said the City needs a moratorium on new development and needs to stop allowing wetlands to be filled or property to be clear cut just because it is an easier and less expensive way to develop.

Perry Burdon; 24733 Dogwood Lane; Veneta, OR

In response to a question from Perry Burdon about what the \$1.00 increase will pay for, Ric Ingham explained that part of it will cover the increased costs of fuel, chemicals, and supplies for producing water and part will help cover costs associated with converting to an electronic meter reading program.

Mr. Burdon said he concurs with everything in Devon Trottier's letter. He said he would like to see the data the City Engineer used that delineates the Fern Ridge aquifer. He said no one in the State of Oregon has delineated an aquifer because it costs too much. He said the City cannot tell people there is plenty of water because there isn't enough information about the aquifer.

Mr. Burdon said the biggest problem with the proposed water conservation regulations is that the City has no way of enforcing it. He also complained about the way the water supply to his house was put in. He said there are four bends because the meter was not installed where it should be, causing a reduction in water pressure. He said he does not feel the Council is paying enough attention to the whole issue of water and until the aquifer is delineated no one will know if there will be enough water.

Layne Corns; 24853 Kingpin Loop; Veneta, OR

Mr. Corns said he doesn't see anything in the proposed resolution that would prevent someone from washing a car or prevent kids from cooling themselves with running water on a hot day. He said there is nothing to prevent turning a sprinkler on for children to cool themselves. He said he has a problem with the water saving guide that was mailed to residents because it sends a message that the City doesn't have enough water. He said the proposed regulations are equal to community punishment. He said the City would be unlawfully taking property or money because the regulations would result in killing plants. He said he feels it is all the result of poor planning. He said it sends a message to Veneta home buyers and businesses to beware.

Norman Welch; 25181 Cherry Lane; Veneta, OR

Norman Welch said he concurs with Mr. Corns and that he still has a question about the proposed Well 11. He asked if it will be in the same aquifer as Well 10 and if so, how long will the water last. He asked why current residents have to suffer for future developers and residents.

Wayne Hunter; 25087 Cheney Drive; Veneta, OR

Wayne Hunter said he concurs with everything that has been said.

Kathy Kirsh; 24690 Bolton Hill Road; Veneta, OR

Ms. Kirsh said she agrees with what Devon Trottier said about the agenda and she asked if the Council was going to rubber stamp the resolution after hearing from the public. She said for some people it is not possible to water according to the proposed time schedule. She said she can't water in the mornings because she has to tend to her animals. She said she grows a lot of what she eats and hand waters because it conserves water. She also said the water pressure is so poor it takes a lot of time to water everything.

Richard Head; 88130 Huston Road; Veneta, OR

Mr. Head said he has lived in Veneta more than 27 years and has worked in the water industry all that time. He said he is very familiar with a couple of water conservation programs that provide advice to homeowners for both indoor and outdoor water use by setting guidelines and recommended water use practices. He said he has experience with both voluntary and mandatory conservation programs. He said mandatory water conservation measures are generally used only when there is a water shortage situation. He said it is not right to make the program mandatory at this time because Veneta is not in an emergency situation. He said water is a resource that should be used conservatively but to say you cannot use it during certain times of the day is punitive. He said mandatory conservation should only happen if the conditions change and the City gets into an emergency situation. If conservation measures are adopted the City needs to define the difference between outdoor water use and irrigation. He said paint contractors need to be able to power wash a house during the daytime. He also said the City should consider a different time frame that better fits the hottest part of the day, such as restricting irrigation between 10:00 a.m. and 7:00 p.m.

Sherree Head; 88130 Huston Road; Veneta, OR

Sherree Head said she concurs with everything that has been said. She said they allowed Well 9 to be constructed on their property when the City experienced a water shortage. She said they did it out of concern for the City. She said the City pumps 545 g.p.m. from their property and she finds it very frustrating that the City has allowed so much new development. She said the only reason they have a nice front yard is because it is the only payment they get for the water the City pumps from their property. She said they pay for the water service to their house. She said if the resolution is passed they will be under the same restrictions as everyone else and she is not happy that after putting in all of their landscaping she will be told they cannot use the water coming off their property to keep it watered. She said the only payment they get for the water pumped from their property is to be able to water and enjoy their yard and garden. She asked the Council to ask for voluntary conservation at this time and not make it mandatory. She asked the Council to consider a building moratorium instead of water use restrictions if the City does experience an emergency situation in the future

- (a) **Resolution 922 - A RESOLUTION ESTABLISHING WATER FEES AND RATES FOR USERS OF THE VENETA MUNICIPAL WATER SYSTEM, AND REPEALING RESOLUTION 900.**

MOTION: Darrell Carman made a motion to approve Resolution 922 increasing the water rates. Sharon Hobart-Hardin seconded the motion.

Discussion: City Attorney Carrie Connelly pointed out a minor change to the repealer clause so it clearly repeals Resolution 900.

Vote: The motion passed with a vote of 5-0.

(b) **Resolution 916 - A RESOLUTION ADOPTING WATER CONSERVATION MEASURES.**

Thomas Cotter said he agrees with Richard Head that water conservation should be voluntary and not mandatory at this time. He said the City would need to be able to enforce the resolution. He also agreed that the time periods in the proposed resolution do not cover the hottest period of the day.

Sharon Hobart-Hardin said her concern is also about whether the City has the resources to effectively enforce the restrictions. She said she does not want something that would encourage neighbors telling on neighbors. She said from that standpoint she would have a hard time supporting the resolution. She said she would rather have the City continue to advertise that water conservation is something they would like the citizens to practice.

Marion Esty said she remembers a time when the City did have a voluntary limit on watering during certain hours and days of the week. She said the voluntary regulations worked very well. She said she also does not want to encourage neighbors spying on each other. She said the City should try to do something but it should be on a voluntary basis.

Darrell Carman said a lot of people don't have automatic sprinklers with timers. He said he feels mandatory restrictions are punitive and agrees that enforcement will be difficult and costly. He said people make a significant investment in their landscaping. He said if the regulations are obeyed, most people will water in the early evenings which would increase peak water flows at a time it is already peaked. He said that could become a public safety issue in case of fires. He said he does not believe the regulations will reduce water usage which is the purpose of the regulations, he said the same amount of water will go into the ground because most people still won't use sensible watering techniques for their yards. He said the same thing applies to washing driveways and porches, they are washed until they are clean. He said he believes the regulations could increase water usage because in the late evenings people may forget to turn the water off.

Mayor Brooker said he feels any community not requiring water conservation during the summer months is failing its citizens. He said many people do not use good water conservation techniques

and let sprinklers run during the hottest part of the day. He said he believes the City needs to take water conservation seriously for today and the future. He said without conservation the water reservoirs can be drained very quickly which is a safety issue in the event of a fire. He said if the Council wishes to make it voluntary he would not vote against that.

Thomas Cotter agreed with Darrell Carman that the time limits could increase the peak water usage. He said he agrees that water conservation is important but he feels this particular resolution is not what they need.

Ric said this is his third summer in Veneta and every year the City has tried to encourage voluntary conservation; however, he still sees many people watering their yards during the hottest part of the day.

Mayor Brooker said he has also seen a lot of indiscriminate water use and he does not want to get into an emergency situation. He said he believes a lot of people will ignore voluntary conservation measures.

Kathleen Kirsh said the problem with mandatory conservation is that it penalizes everyone because a few people are making poor choices. She said that is not fair.

Sharon Hobart-Hardin suggested sending an information flier that lists specific problems the City has observed as well as some recommendations for outdoor watering.

Chuck Standiford said he feels the City will have a better response from the public with a voluntary program rather than forcing something on people.

Darrell Carman said he is disappointed that a lot of the people who expressed strong opinions left before the Council made a decision. He said he believes the Council and staff brought the proposal forward in good faith and are simply trying to do what is right for the community even though there is no immediate emergency.

By consensus of the Council, no action was taken on Resolution 916 to adopt mandatory water conservation measures.

(5) Planning Commission Priorities

Margaret presented the Council with a list of projects the Planning Commission has recommended working on; (1) design standards related to building aesthetics, (2) criteria for minor types of variances, and (3) design criteria for panhandle lots.

The intent of having a list of priorities is to direct staff's time outside of land use application review time. The intent is not to increase the number of meetings the Planning Commission holds. Recommendations by the Planning Commission will be submitted to the Council for consideration.

Mayor Brooker said he believes the City needs to work on residential design standards.

In response to a question about panhandle lots, staff advised that panhandle lots are allowed in certain circumstances to allow for infill and development of some of Veneta's long narrow lots. Although panhandle lots are allowed, each time they are approved the Planning Commission needs to establish standards for each lot, such as driveway width, because the code itself does not have a list of standards.

Darrell Carman recommended steering clear of setting design standards, particularly ones that prohibit garages being in the front of the house. He said lot dimensions make it difficult to find plans for homes that do not have front garages. He said it could also result in having driveways in side yards and increased impervious surfaces. He said he agrees with staff that it looks better but could triple the amount of paved surfaces. He said he does not object to subdivisions adding design standards as codes and covenants; but, he doesn't believe it is something a jurisdiction should do.

Mayor Brooker said he believes that aesthetics are important and the City should begin to look at developing some design standards. He said he also believes the City should adopt some criteria for panhandle lots.

b. CITY ENGINEER

(1) Release of Pine Street Bid

Jerry Elliott said now that the variance for Pine Street has been approved the project is ready to go out to bid. The wetland permit is expected to be issued at the end of August or September. He said by getting the bids out early the City may get better bids. The other option would be to wait until the wetland permit has been issued.

MOTION: Sharon Hobart-Hardin made a motion to release the bid for Pine Street. Marion Esty seconded the motion which passed with a vote of 5-0.

c. CITY ADMINISTRATOR

(1) Check Signing

Ric said now that Jerri Moore is past the probationary period it would be appropriate to add her as a signor on the City's accounts. Margaret and Ric will remain the primary signors and Thomas Cotter and Mayor Brooker the back up signors. The bank has requested a resolution. Ric recommended that a similar resolution be passed for the Urban Renewal Agency.

At the direction of the Council, staff will prepare resolutions for the next meetings of the Council and Urban Renewal Agency.

(2) Well 10 Proposal

Ric said staff clearly understood the direction from the Council at the last meeting to proceed with the development of Well 10 as one overall project to save on costs; however, some circumstances have changed since the last meeting that could impact the decision made by the Council. The developer of the Cornerstone project has expressed a desire to install their water lines at the same time as the other public improvements. Having their contractor, Eugene Sand & Gravel, install the lines could save the City money since they are already on site. The other development is that the City experienced a loss of 6 to 8 feet of water in the reservoir during the 100-degree weather. Although the water level has been stable since that time, it could become a concern if the City experiences continual heavy water usage during the hot weather.

Staff has brought the proposal back to the Council for additional consideration because of the opportunity to have the work done by Eugene Sand & Gravel for less than the contract bid. The City Attorney prepared a revised resolution for consideration by the Council. Ric said staff feels that providing a redundancy for the City's water supply is very important.

Sharon Hobart-Hardin said the decision by the Council at the last meeting was to save money. She said she feels the new proposal does that.

Ric said Kyle did a comparison of monthly flows into the wastewater plant and determined that the drop in the City's reservoir was a result of irrigation.

MOTION: Thomas Cotter made a motion to approve Resolution 920 with the date correction on page 2. Sharon Hobart-Hardin seconded the motion which passed with a vote of 5-0.

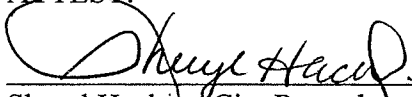
6. OTHER

7. ADJOURN

Mayor Brooker adjourned the City Council at 11:21 p.m.


T. J. Brooker, Mayor

ATTEST:


Sheryl Hackett, City Recorder
(minutes prepared by SLHackett)